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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,342	02/12/2004	Frederic Nefel	B0884.70074US01	4933
7590	02/07/2006			
Lawrence Green Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210			EXAMINER GRAY, PHILLIP A	
			ART UNIT 3767	PAPER NUMBER

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8p

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,342	<b>Applicant(s)</b> NEFTEL, FREDERIC	
	<b>Examiner</b> Phillip Gray	<b>Art Unit</b> 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Further, reference characters in claims 1-3, 10-11, and 15-16, do not correspond to one another (for example, “e” of claim 3 is not the same “e” of claim 16). Appropriate correction is suggested.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, and 4-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellman et al. (U.S. Patent Number 5,569,181). Hellman discloses a sterility assurance

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for a contrast delivery system. Hellman patent discloses a process and apparatus for injection of a multiple number of patients with fluid by selective valving devices and disposable dosing units. Hellman further discloses a method of injecting liquid through a length of tubing with multiple occlusion systems and regulation systems with varying pressures, closing the valved systems at various junctions will stop injection to a patient, the measurement of pressure and providing an output indicative of leakage, and maintaining intermediate pressure through a peristaltic cassette pump, syringe pump, or a gear pump. The method system does include a non-return or one-way valve. (see paragraphs beginning from column 3, line 59 to column 7, line 39).

Claims 1-7, 10-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lichtenstein (U.S. Patent Number 4,464,172). Lichtenstein discloses a computer controlled medical care system for use in the treatment and diagnosis of patients, which provides for either automatic or manual control of a wide variety of medical procedures. Lichtenstein discloses a system of tubing and valves for infusion to a patient, which contains a wide variety of sensors. The system may include one or more sensors for determining pressure and rate of fluid flow within ducts and chambers in the module. Also included may be sensors for invasive or noninvasive determination of intravascular pressures within a patient connected with a module and arrangements for gravity flow or pumped flow of fluid between a module and a patient or within the module. The Lichtenstein includes an intermediate segment of tubing with one way valves and various pumps that are monitored and controlled to regulate the pressure

and fluid flow to a patient. (see paragraphs beginning at column 7 line 53, to column 12 line 54).

Claims 1-7, 9-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Teirstein (U.S. Patent Number 5,533,978). Teirstein discloses a method and apparatus for uninterrupted delivery of radiographic dye with a syringe manifold. It includes a regulation system for an intermediate section of tubing with a one-way valve. Further Teirstein discloses an air alarm for response to an output of leakage from the intermediate segment, maintenance of pressure in the intermediate section by pumps. Further Teirstein discloses that injection can be stopped by closing the upstream valving systems and that the pressure in the intermediate section can be monitored (See paragraphs at column 2, line 20 to column 4 line 34, or paragraphs beginning with column 6 line 45, to column 7 line 50).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gray whose telephone number is (571) 272-7180. The examiner can normally be reached on Monday through Friday, 8:30 a.m. to 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Simons*  
2/3/04